

REMARKS

The Abstract has been amended to correct matters of form. It is respectfully submitted that no new matter has been introduced. Claims 1-3 were pending and have been amended to further define the claimed invention. Reconsideration of this application is respectfully requested in light of the foregoing amendments and the following remarks.

I. The Abstract Is In Correct Form

The Abstract was objected to as being too long. The Abstract has been amended to fall within the 150 word limit. Reconsideration and withdrawal of this objection is respectfully requested.

II. Claim 1 Satisfies 35 U.S.C. § 101 Because It Yields a Tangible Result

Claim 1 stands rejected under 35 U.S.C. § 101 as failing to yield a tangible result. Claim 1 has been amended to more clearly indicate that it yields a tangible result. Reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

III. The Dembo Patent Does Not Anticipate the Claims of the Present Invention

Claim 1 was rejected as anticipated under 35 U.S.C. §102(e). In support of the rejection, Dembo (U.S. Patent No. 5,799,287) was cited. This rejection is respectfully traversed.

Dembo fails to disclose trading a portfolio as a whole, as recited in claim 1 and the specification. Moreover, Dembo fails to disclose aggregating the trades of one user with trades of other users as recited in claim 1. Accordingly, the Applicant respectfully submits that Dembo does not anticipate claim 1. Reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

IV. The Dembo Patent Does Not Render Obvious the Claims of the Present Invention

Claims 2-3 stand rejected as unpatentable under 35 U.S.C. §103(a). In support of the rejection, a combination of Dembo and Certain Official Notice (U.S. Patent No. 5,799,287) was cited. This rejection is respectfully traversed.

Dembo fails to disclose trading a portfolio as a whole, as recited in claims 2-3 and the specification. Moreover, Dembo fails to disclose aggregating the trades of one user with trades of other users as recited in claims 2-3. Moreover, the Examiner's Certain Official Notice does not disclose this recitation. Applicants seasonably traverse this assertion of Official Notice and request documentary evidence supporting it. Accordingly, the Applicant respectfully submits that the combination of Dembo and the Certain Official Notice does not render claims 2 and 3 obvious. Reconsideration and withdrawal of the rejection of claims 2-3 is respectfully requested.

V. Terminal Disclaimer to be Filed to Obviate Obviousness-Type Double Patenting

Claims 1-3 stand rejected based on the non-statutory obviousness-type double patenting. Upon indication of otherwise allowable claims, the Applicant will file a terminal disclaimer to obviate this obviousness-type double patenting rejection.

CONCLUSION

It is respectfully submitted that, in view of the foregoing amendments and remarks, the application as amended is in clear condition for allowance. Reconsideration, withdrawal of all grounds of objection and rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned to discuss any matter regarding this application.

Respectfully submitted,
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APPENDIX A